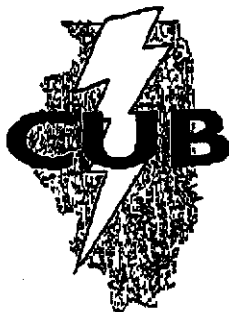


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November 13, 2003

*ex parte
communication*

Judge Leslie Haynes
Judge Glenn Dolan
Illinois Commerce Commission
160 N. LaSalle, Suite 800
Chicago, IL 60601

Dear Judge Dolan and Judge Haynes:

I tried to call both of you this morning to discuss your ruling regarding the schedule for Nicor's motions regarding adverse witnesses and the use of discovery depositions. CUB and Cook County States Attorney's Office submit that it is absolutely unfair and unreasonable to expect us to respond to Nicor's motions in two days.

Nicor has known for several weeks that CUB/CCSAO intended to refer to the depositions in expert testimony and it had every opportunity to raise the issue before the very last minute. Now, with testimony due November 21, and attorneys occupied with filing the testimony as well as other cases and issues, we are asked to respond to two motions on an expedited basis – in two days no less. Please note that Nicor did not file the motions until Friday at 4:55 pm and Tuesday was a federal holiday.

Given Nicor's untimeliness, we should not be required to respond until after we file our testimony. If response is required before that time, we should be given until Wednesday, November 19 to respond.

Thank you for your attention to this issue.

Sincerely,

Robert Kelter